IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No 4582 of 2007

Sou.Manisha Mukund Suryawanshi ..Petitioner

vs.

Shri Namdeo Dnyanu Kharade
and others ..Respondents

Shri S.M.Mirajkar for petitioner.
Shri N.J.Patil for respondents.

CORAM: S.C.DHARMADHIARI J.
11th December, 2007

P.C.

1. This application for appointment of the Court Commissioner having been rejected does not mean that the petitioner/plaintiff is without any remedy. In the light of the observations made by the learned Judge in the impugned order if all sale deeds are proved and duly exhibited so also the revenue entries, then, the issue as framed necessitates any inspection of the property or ascertainment of the exact area or not are the matters which must be decided by the Trial Court and if there is still any dispute at that stage the petitioner will be at liberty to apply for appointment of the Court Commissioner or such other reliefs as are permissible in law. Needless to state that the fact that the application was earlier made and it has been

rejected will not prevent the petitioner from so applying afresh and such application must be decided on the basis of the available material on record and uninfluenced by earlier order. Petition is disposed of.

(S.C.DHARMADHIKARI J.)